

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

75-CR-121

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
<p>THE UNITED STATES</p> <p align="center"><i>vs.</i></p> <p>ARVOICAL RICHARD PHELAN,</p> <p align="right">Defendant.</p> <div style="display: flex; justify-content: space-between;"> <div> <p>Deft. on bond, address is:</p> <p>2204 East 56th St. No. Tulsa, OK 74130 Phone: 428-2192</p> </div> <div> <p>Surety:</p> <p>Richard Thompson 1437 No. Lansing Tulsa, OK 74106</p> </div> </div>	<p><i>For U. S.:</i></p> <p>Ben F. Baker Asst. U.S. Attorney</p> <p><i>For Defendant:</i></p> <p>Bert Grigg H. T. Witherspoon (Ret.) Mayo Bldg., Tulsa, 74103 587-0227</p>

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 10-1-75	Clerk				
J.S. 3 mailed 4-1-76	Marshal				
Violation Possession of Title 26 Sec. 5861(d)	Docket fee				
1 Count \$10,000 &/or 10 Yrs.					

DATE	PROCEEDINGS
9-4-75	Record vote of the Grand Jury Concurring, filed in Open Court. v
9-4-75	Indictment, filed in Open Court. v
9-4-75	Magistrate papers added to file this date. v
9-4-75	Appearance Bond of Deft. in amount of \$5000.00, surety, filed conditions of release. (MLB-Mag)v
9-5-75	MO: Case set for Arraignment on Thurs., 9-11-75, at 10:00 A.M. (AEB-J)v
9-11-75	Case called for arraignment & plea. Deft. present & represented by Bert Grigg for Mr. Witherspoon, on agreement of Deft. Govt. represented Deft. acknowledges receipt of indictment, is advised of charge & is arraigned. Deft. enters plea of NOT GUILTY. Case set for jury trial on 10-20-75, at 10:00 A.M. Deft. given until 9-22-75 to file motions. Govt. given til 9-29-75 to respond. Deft. to remain on present Bond. (AEB-J)b
9-22-75	Motion of Deft. to Suppress, and Mot. to Dismiss, filed. v
9-22-75	Brief in support, filed. v -copy of mot. & brief to Dene.

DATE	PROCEEDINGS
9-29-75	Plaintiff's Response to Deft's motions to suppress & dismiss, filed. b
10-9-75	MO: Case set for hearing on motion to suppress & motion to dismiss on 10-16-75, at 10:00 A.M.(AEB-J)b nts mld
10-9-75	MO: Case set for jury trial on 10-20-75, at 10:00 A.M.(AEB-J)b nts mld
10-16-75	Application for Psychiatric Examination to Determine Mental Competency of the Accused, Arvoicsal Richard Phelan, filed. mm
10-16-75	Case called for hearing on motions. Deft present & represented. Govt. represented. Rule invoked. Deft. witnesses sworn & testify. Court overrules motion to suppress. Motion to dismiss moot. Deft. bond continued.(AEB-J)b
10-16-75	MO: Hearing on application for psychiatric examination set on 10-20-75, at 10:00 A.M.(AEB-J)b parties notified in court.
10-20-75	Case called for jury trial & hearing on Deft's application for psychiatric examination. Deft. present & represented. Govt. re-presented. Court grants application for examination of Deft.
10-20-75	Order Granting Deft's application for psychiatric examination, filed, ORDERED that Deft. be committed to U.S. Medical Center at Springfield, Mo., for examination as to mental competency, report to be filed with Court prior to or within 90 days from this date. Deft. to be held by authorities of Medical Center until report is made & thereafter be returned to custody of USM of NDO, until further order of this Court.(AEB-J)b cps mld
10-20-75	Two c/c of Order to USM. b
10-21-75	Order, filed, overruling motions to suppress and dismiss. (AEB-J)g
10-30-75	Order of 10-20-75 for medical examination, ret. & filed: deft. Phelan transported from Tulsa County Jail, Tulsa, Ok. to Medical Center for Federal Prisoners, Springfield, Mo. on 10-23-75. g
11-13-75	Deft. appears upon return from medical examination. Deft. represented. Govt. represented. Govt. requests a bond hearing be set. Hearing set on 11-24-75, at 11:00 A.M. Deft. remanded to USM.(AEB-J)b
11-24-75	Case called for bond hearing. Deft. present & represented. Govt. represented. Deft. announces he wishes to change his plea. Deft. placed under oath & w/draws plea of Not Guilty & enters plea of GUILTY & is adjudged GUILTY As charged. Deft. waives jury & wavier signed & filed in open court. Deft. & co. asked if they have anything to say before sentence is pronounced.
	Judgment & Sentence - Arvoicsal Richard Phelan
	Atty. Gen. -/Ten (10) years, for study as described in 4208(c), the results of such study to be furnished this Court w/in 90 days, whereupon the sentence of imprisonment herein imposed may be subject to modification in accordance with 18,USC 4208(b). Ct. recommends Deft. be sent to US Med. Ctr in Springfield, Mo.(AEB-J)B
11-24-75	Judgment & Commitment, filed & entered.(AEB-J)b
11-24-75	Two c/c of J&C delivered to USM. b
11-25	Deft. appl. for 2wks delay in sentencing to permit deft. to take care of personal business, filed. tc
12-1-75	MO: Case set for hearing on Deft's applic. for delay of sentence on 12-3-75, at 10:00 A.M.(AEB-J)b nts phone

(Cont'd)

D. C. 109A

CRIMINAL DOCKET

DATE	PROCEEDINGS
12-3-75	Case called for hearing on Deft.'s application to delay sentence. Deft. present & represented. Govt. represented. Govt. requests probation office obtain daily report on Deft. if sentence is delayed. Court allows application. Bond set at \$5,000 surety. Probation office ordered to supervise bond. Deft. given until 12-17-75, at 9:30 A.M., at which time he is to report to USM. Conditions of bond are that Deft. not leave this district, call & report to Probation office daily, not associate with criminals & observe 12:00 midnight curfew.(AEB-J)b
12-4	Appearance Bond and Conditions of Release in amount of \$5,000.00, surety, filed. (MLB-USMag)v
12-29	Cert. cpy of J&C filed 12-29-75. Deft delivered on 12-19-75 to Medical Center for Federal Prisoners at Springfield, Mo., filed. lm
1-9-76	Order, filed, granting Medical Center a 30-day ext. of time, or until 3-22-76, to file the § 4208 report. (AEB-J)g cpy mld.
3-17	MO: Case set for definitive sentence on 3-19-76, at 10:00 A.M. (AEB-J)b nts by phone & ml
3-19	Case called for definitive sentencing. Deft. present & represented. Govt. represented by H. Bryant for B. Baker. Deft. & co. asked if they have anything to say before sentence is pronounced: Judgment & Sentence - Arvoicsal Richard Phelan Atty. Gen. - Three (3) years. Ct. orders 90 day progress report. Deft. to be given credit for time heretofore served in this cause.(AEB-J)b
3-19	Judgment & Commitment, filed & entered.(AEB-J)b
3-19	Two c/c of J&C to USM. b
3-29	Judg. & Prob return filed and executed on March 18, 1976 to Tulsa Co. Jail Tulsa, Okla. Deft delivered on March 26, 1976 to Federal Reformatory at El Reno, Oklahoma.t
7-13	Order overruling motion (letter) for modification of sentence, filed. (AEB-J)g cp mld.
7-16	Deft's petition for reduction of sentence, filed.k <i>file to Paul</i>
7-27	Order, filed, overruling mot. for reduction of sentence and reaffirming order of 7-13-76, filed. (AEB-J)g cps mld.

DATE

PROCEEDINGS

UNITED STATES MAGISTRATE
NORTHERN DISTRICT OF OKLAHOMA

RECORD OF PROCEEDINGS IN CRIMINAL CASES

75-CR-121

BEFORE Morris L. Bradford U. S. Courthouse, Tulsa, Oklahoma
(Name of magistrate) (Address)

75-CR-121

MAGISTRATE'S
DOCKET No. 75 CASE No. 208M
THE UNITED STATES
vs.
AROICSA RICHARD PHELAN

Complaint filed on Aug. 28, 1975, by J. William Buford
Official title Special Agent, ATF, charging violation of
United States Code, Title 26, Section 5861(d) on Aug. 12
19 75, at Tulsa, Oklahoma in the
division of the Northern district of Oklahoma
as follows: Possession of firearm not registered in
National Firearms Registration and Transfer Record

(Here insert brief summary of facts constituting offense charged)

WARRANTS OR SUMMONS ISSUED:

Date Aug. 28, 1975 Warrant/Summons for Aroicsal Richard Phelan
(Name of defendant)
to (name and title of officer) U. S. Marshals Service or any authorized officer
Substance of return

Date Warrant/Summons for
(Name of defendant)
to (name and title of officer)
Substance of return

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO MAGISTRATE:

Date Aug. 28, 1975 Arrested by J. William Buford { on warrant of Morris L. Bradford
(Name of issuing officer)
without warrant.
Appearances { for United States Ben F. Baker (Name) Tulsa, Oklahoma (Address)
for accused None (Name) (Address)

Proceedings taken Defendant appeared before the undersigned Magistrate and was
(Here insert with dates, when appropriate, a serial account of essential steps taken at hearing such as "complaint prepared,"
advised of his right to counsel; defendant waived counsel for this hearing and
if arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing": "preliminary examination waived,"
stated he would retain counsel for future proceedings. Defendant was informed
if that is the fact; any adjournments taken, etc.
of the charges filed against him as contained in Complaint; of his right to bail
and right to a preliminary hearing. Bail was set at \$10,000 cash or surety.
Preliminary hearing was set for September 8, 1975 at 9:30 A.M.

SEPT. 2, 1975: Bail reduced to \$5,000 cash or surety. Defendant made surety
bond and was released from custody. INDICTED BY GRAND JURY ON 9/4/75.

Outcome Defendant remanded to custody of U. S. Marshal in lieu of bond

Bail fixed August 28, 19 75 Amount, \$10,000.00 Bonded September 2, 19 75, by cash
deposited by (name) Address
transmitted to clerk of district court, 19 [or] by surety
(name) Imperial Insurance Company Address La Habra, California
(name) Address, who
justified by affidavit dated, 19, [or] committed to
on, 19

SUBPOENAS FOR WITNESSES ISSUED:

_____, 19____, for (name of witness) _____
at request of (name of party) _____
Substance of return _____

_____, 19____, for (name of witness) _____
at request of (name of party) _____
Substance of return _____

_____, 19____, for (name of witness) _____
at request of (name of party) _____
Substance of return _____

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date _____ Appearances for _____

{ United States (Name) _____
(Address) _____
Accused (Name) _____
(Address) _____

WITNESSES FOR UNITED STATES:

(List names and addresses)

WITNESSES FOR ACCUSED:

(List names and addresses)

Witness payroll containing _____ names certified to United States Marshal for payment _____, 19____
Proceedings taken _____

Outcome _____

Bail fixed _____, 19____ Amount, \$ _____ Bonded _____, 19____, by cash
deposited by (name) _____ Address _____
transmitted to clerk of district court _____, 19____
[or] by surety (names) _____ Address _____
and _____ Address _____
who justified by affidavit _____, 19____ Committed to _____
on _____, 19____

Certified to be a correct transcript.

Made this 4th day of September, 1975

Transmitted to Clerk of United States District Court for the Northern
district of Oklahoma September 4, 1975

Merlin R. Budd

United States Magistrate.